

SITE PLAN ATTACHED

**KARMA COURT ASHWELLS ROAD PILGRIMS HATCH ESSEX CM15 9SG
PROPOSED NEW DETACHED DWELLING. (ALL MATTERS RESERVED)**

APPLICATION NO: 18/00270/OUT

WARD Pilgrims Hatch **8/13 WEEK DATE** 05.04.2018

PARISH **POLICIES**

CASE OFFICER Ms Tessa Outram 01277 312500

**Drawing no(s)
relevant to this
decision:** Indicative Design;
1;
2;

This application has been referred by Councillor Aspinell on the grounds that granting permission for a building on this site would make the area much more attractive than the existing commercial use.

The application was deferred from the previous committee on the 12th June on the grounds that councillors had not been made aware of the late representations that had been submitted that may hold weight in their assessment and decision of the application. Details are summarised below.

1. Proposals

Outline permission is sought for the construction of a new dwelling on the site with all matters reserved. The application is seeking to determine whether the principle of constructing a dwelling on the site is acceptable.

2. Policy Context

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for

determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy CP1 General Development Criteria
Policy GB1 New Development
Policy GB2 Development Criteria
Policy T2 New Development and Highway Considerations

NPPF Sections: Core Planning Principles
Protecting Green Belt Land (Chapter 9)

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

3. Relevant History

- 15/01088/S191: Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning application for use of land as Builders merchants/Depot. -Application Refused
- 17/00890/S191: Application for Lawful development certificate for an existing use or operation or activity for commercial storage yard with sales and siting of residential mobile home/caravan -Application Refused

4. Neighbour Responses

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

At the time of writing this report the planning agent has submitted 29 letters from local residents - 23 of those letters address the use of the site for commercial purposes relating to the previous S191 applications and are not directly relevant to this application. As such, no weight is attached to their relevance.

The remaining 6 letters are in support of the application for a residential dwelling.

5. Consultation Responses

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- - **No consultation responses received.**

6. Summary of Issues

The main part of the site the subject of the application is a roughly rectangular area of about 55m by 40m to the north east of Ashwells Road. It is set back about 65 m from the road and the application site includes a narrow strip of land linking the main body of the site to Ashwells Road from where there is a gated access.

Planning History

The planning history indicates the site has previously been used for storage purposes, however two recent 'Certificate of Lawful Use for an Existing Development' applications (15/01088/S191, 17/00890/S191) have determined that the site does not have a lawful use as a commercial storage yard or for the siting of a residential mobile home and is therefore subject to enforcement action.

A recent site visit has revealed the site at present is entirely hard surfaced and now has a mobile homes, a portacabin, a storage container and is used for parking vehicles.

As part of the submissions for the Certificate applications an evidence pack, statutory declaration and support letters from local residents were included and assessed by officers. The majority of the letters submitted as part of this current application relate to the previous Certificate applications and therefore hold no weight when assessing this application.

Green Belt

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt with some exceptions including;

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is not considered the site would amount to an infill plot. However it is necessary to consider the definition of previously developed sites as outlined in the NPPF:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The site is entirely hardsurfaced and therefore whilst not occupied by any permanent structures it can be considered previously developed land (constituting fixed surface infrastructure), although in accordance with the NPPF definition it should not be assumed that the whole of the curtilage should be developed and for the development to satisfy this exception to inappropriate development it is also necessary for the development to have no greater impact on the openness of the Green Belt or the purposes of including land in the Green Belt than the existing situation (discussed below). The three temporary structures (mobile homes, portacabin and storage container) on the site are noted, however this exception to inappropriate development specifically excludes temporary buildings.

Openness and purposes of the Green Belt:

The proposed development would result in the construction of a permanent three bedroom dwelling in the Green Belt, occupying an area of 80sq.m with an indicative height of 7.5metres. Planning history indicates that the land has previously been used for external storage purposes and the site at present has a number of temporary structures and vehicles on the site that are required to be removed as part of the active enforcement case (15/00039/UNLCOU).

As such it is considered that this development would have a material detrimental impact on the openness of the Green Belt and would result in further encroachment into the Green Belt, compared to the existing situation where there is lawfully only hardstanding on site; contrary to one of the purposes of including land in the Green Belt.

The proposed development therefore constitutes inappropriate development in the Green Belt and is contrary to Chapter 9 of the NPPF and Policies GB1 and GB2 of the Local Plan. Very Special Circumstances would need to exist that clearly outweigh the harm to the openness of the Green Belt if permission were to be granted. Such a test is a very high threshold, and should only be considered very special if, for example, they cannot be repeated on another site.

Sustainability

The site is not located in the most sustainable location; however, it is not so removed from local shops and services and would have some limited alternatives available to them other than private vehicles.

Design, Character and Appearance

The character of Ashwells Road and the surrounding area is varied and there is no strong or continuous frontage of development. It is not uncommon for surrounding dwellings to be set off the main highway with long private driveways. Whilst all matters are reserved, including the scale, siting and appearance of the proposed

building, it is not considered a dwelling in this location would be so out of character with the pattern of development within this area.

Residential amenity

As all matters are reserved, the plans submitted are only indicative. Given the location of the site with no immediate residential neighbours it is considered that the development could be designed to result in no material harm to the residential amenity of adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or overlooking and loss of privacy.

Tree and Landscaping Considerations

A site visit has revealed a large mature tree on the eastern boundary of the site. The indicative plans indicate the dwelling would be located a fair proximity from the tree but could still be within its root protection area. However, it is considered that subject to condition, tree protection measures could mitigate any adverse harm that may arise as a result of the development.

Parking and Highway Considerations

Matters relating to access are reserved, however the existing access and entrance is to be retained and there is adequate off the street parking within the application site, in accordance with the adopted parking standards.

Other matters and any very special circumstances

It has been established that the development would constitute inappropriate development in the Green Belt that would result in material adverse harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. However, it is necessary to consider whether there are any very special circumstances in this instance which would clearly outweigh the harm identified:

The applicant has not outlined any very special circumstances within their application submission. The Council recognise that it cannot currently identify a 5 year housing supply. However, the provision of an additional dwelling would have a very limited impact on the housing supply of the Borough, and the NPPG makes it clear that an unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances to justify inappropriate development within the Green Belt.

As such it is considered that there are no very special circumstances or other considerations in this instance that clearly outweigh the harm identified. An objection is therefore raised in terms of Chapters 7 and 9 of the NPPF, the NPPG and Policies GB1, GB2, and CP1 of the Local Plan.

The application is therefore recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green Belt and would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. The proposal therefore is contrary with Policies GB1 and GB2 of the Brentwood Replacement Local Plan and the provisions of the Framework as regards development in the Green Belt.

R2 There are no matters in support of the application which would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, T2, the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

BACKGROUND DOCUMENTS

DECIDED:

